

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN DOE and JANE DOE 1 through 20,
JOHN DOE and JANE DOE A through K,
DOE 12 on behalf of DOES H and K, minors,
and DOE G on behalf of DOE 1, minor,

Plaintiffs,

V.

STATE OF NEBRASKA, et al.,

Defendants.

JOHN DOE,

Plaintiff,

V.

ATTORNEY GENERAL JON BRUNING,
et al.,

Defendants.

JOHN DOE,

Plaintiff,

V.

NEBRASKA STATE PATROL, et al.,

Defendants.

8:09CV456

**MEMORANDUM
AND ORDER**

4:09CV3258

**MEMORANDUM
AND ORDER**

4:09CV3266

**MEMORANDUM
AND ORDER**

I do *not* consider the following to be “unauthorized ex parte communication” within the meaning of Canon 3A(4) of the *Code of Conduct for United States Judges* (effective July 1, 2009). However, out of an abundance of caution, and pursuant to Canon 3A(4) of the Code, I advise the parties that:

1. Judge David Arterburn of the Sarpy County District Court, who has a case filed by Mr. Dornan that is similar to these cases, called me on Monday, January 4, 2010, in the late afternoon. As I was in trial, he left a message for me return the call, and I did so at about 5:00 p.m. The judge advised me that he granted a stay of proceedings in his case and he had dissolved the temporary restraining order. He said he would fax a copy of his decision to me and he did. I thanked the judge for his call.
2. Judge Steve Burns of the Lancaster County District Court, who has a case filed by Mr. Beckman that is similar to these cases, called me on Tuesday, January 5, 2010, at about 8:00 a.m. He advised me that his case appeared to be somewhat different as a matter of fact in that the offenders in his case were apparently not obligated to register at the time the new law became effective. As a consequence, he was considering whether to grant a hearing on Mr. Beckman's request for preliminary relief. I briefly reviewed the complaints in these cases with Judge Burns and I thanked the judge for his call.
3. No substantive legal discussions were held between the aforementioned judges and me. I would characterize the calls from these judges as courtesy calls.

IT IS ORDERED that the Clerk shall provide counsel in all three of these cases with a copy of this memorandum and order.

DATED January 5, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge